

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

DIEGO PAVIA,

Plaintiff,

v.

**NATIONAL COLLEGIATE ATHLETIC
ASSOCIATION,**

Defendant.

Case No. 3:24-CV-01336

CHIEF JUDGE CAMPBELL

MAGISTRATE JUDGE NEWBERN

JOINT MOTION TO STAY PROCEEDINGS PENDING INTERLOCUTORY APPEAL

Plaintiff Diego Pavia (“Plaintiff”) and Defendant National Collegiate Athletic Association (“NCAA”) (together, the “Parties”) jointly move for a stay of all further proceedings in this Court pending resolution of the NCAA’s interlocutory appeal of this Courts’ Memorandum and Order, (ECF Nos. 41–42), granting Plaintiff’s Motion for Preliminary Injunction, (ECF No. 8). In support of this Motion, the Parties state as follows:

1. On December 26, 2024, the NCAA timely filed a Notice of Appeal of the Court’s Memorandum, (ECF No. 41), and Order, (ECF No. 42), granting Plaintiff’s Motion for Preliminary Injunction (ECF No. 8). The appeal has been docketed in the United States Court of Appeals for the Sixth Circuit as Case No. 24-6153. The NCAA’s opening brief is due February 19, 2025, and Plaintiff’s answering brief is due March 21, 2025.

2. 28 U.S.C. § 1292(b) “permits, but does not require, the court to stay proceedings while a party seeks an interlocutory appeal.” *T.C. v. Metro Gov’t of Nashville and Davidson Cnty.*, No. 3:17-cv-01098, 2019 WL 13128592, at *6 (M.D. Tenn. June 11, 2019). “A district court ‘has

broad discretion to stay proceedings as an incident to its power to control its own docket.” *Id.* (quoting *Clinton v. Jones*, 520 U.S. 681, 706–07 (1997)).

3. The Parties jointly request that this Court exercise its discretion to stay proceedings during the pendency of the interlocutory appeal. Without waiver of any positions and the NCAA agreeing not to assert Mr. Pavia is sitting on his rights as to the remaining claim, the parties agree that the pending appeal will affect how this case proceeds on the merits. Moreover, Plaintiff will not be prejudiced by the requested stay, as the injunction provides him the near-term relief he is seeking while the appeal is resolved.

4. Accordingly, the Parties request that: (1) all proceedings in this Court be stayed pending resolution of Sixth Circuit Case No. 24-6153 or until a party seeks to lift the stay for good cause; and (2) upon resolution of the appeal or the Court lifting the stay, the Court reset its ICMC.

Dated: January 21, 2025

By: /s/ Taylor J. Askew

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CERTIFICATE OF SERVICE

I hereby certify that on January 21, 2025, I electronically filed the foregoing Joint Motion to Stay with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all parties and counsel of record.

By: /s/ Taylor J. Askew

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